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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,742	09/05/2003	James M. Piatt	550299.93333	9082

26710 7590 01/10/2005

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EXAMINER	
PHILLIPS, CHARLES E	
ART UNIT	**PAPER NUMBER**
3751	

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/656,742	PIATT ET AL.	
	Examiner	Art Unit	
	Charles E. Phillips	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 October 2004*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 7-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 7-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

With respect to applicant's query regarding the status of claims 17 and 18, they are rejected as set forth on page 2 as anticipated by Clow. The objection to claim 17 later in the subject office action was an error.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7-10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by DeBie.

The body is seen as the sink 14 providing full response to lines 1-6 of claim 1. The platform is seen at 10 and is "unfastened to the body," the second work surface is any of the upper surfaces of 10. Claim 2 is met by the shape of 14. Claims 7- 8 are met by element 13. Claim 9 is met by the convex nature of 23, best seen in Fig. 1. Re: claim 10 is met by a conventional faucet which DeBie would inherently possess. Claim 14 is met as claim 1 supra.

Applicant argues that 23 of DeBie is not a work surface. This is not well taken as this term defines nothing lacking in DeBie particularly in view of col. 2 line 13 where the structure of 10 is said to be "unitary." Any one of the surfaces of 23 would meet the term work surface as it alone and together with other areas is capable of use to place work thereon. Water will flow off of this surface just as any upstanding surface.

Regarding the argument of claim 10, nearly every sink in the land possesses a water faucet and to argue that DeBie would not is not well taken.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBie, as applied supra, in view of Hennessy.

To provide for the sink environment of the former to employ a laminar flow spout 175' as taught by the sink environment of the latter would have been obvious to the ordinary artisan as the use of one sink spout in the environment of another sink would have been pima facie obvious.

Claims 1-4, 7, 8, and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Clow as set forth in the previous action.

Regarding the added phrase "unfastened to the body," Clow meets this term at least for the period of time in which b" is placed on B and not secured by screws.

The arguments regarding Clow on page 7 are not well taken in that b" is removably positioned upon the first work surface which in Clow may include b, the platform is b."

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clow, as applied supra, in view of DeBie.

To provide for the upstanding structure b of Clow to be a portion of the platform, as taught by the leg structure 12 of DeBie would have constituted obvious alternative design expedients

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clow, as applied supra, in view of Bogsz.

To employ Bogsz on any portion of the sink surface of Clow would have been obvious as same is taught for use with a sink.

Claims 5, 6, and 19-24 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the previous reply.

Any inquiry concerning this communication should be directed to Charles Phillips at telephone number (571) 272-4893).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Charles E. Phillips
Primary Examiner